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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

AL MCZEAL, JR.

CIVIL ACTION NO. 05-462

VERSUS

JUDGE DOHERTY

SOUTHERN CONSUMERS
COOPERATIVE, INC., ET AL

MAGISTRATE JUDGE HILL

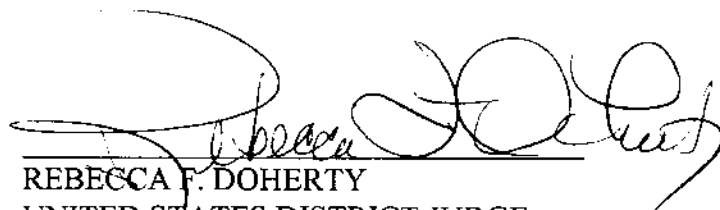
JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Further support for the Court's judgment is found at Connolly v. Papachristid Shipping, Ltd., 504 F.2d 917, 920 (5th Cir. 1974) ("The district court has discretion to dismiss a suit for failure to prosecute if the plaintiff fails to comply with the trial court's orders or with the rules of civil procedure"); Federal Rule of Civil Procedure 41(b); and Lopez v. Aransas County Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978) (noting that "[a]lthough the rule [41(b)] is phrased in terms of dismissal on the motion of the defendant, it is clear that the power is inherent in the court and may be exercised sua sponte"). Accordingly;

IT IS ORDERED that plaintiff's lawsuit be DISMISSED WITHOUT PREJUDICE because plaintiff has failed to comply with the terms of this Court's August 30, 1995 Consent Judgment. It is further recommended that the pending Motion to Dismiss RICO claims [rec. doc. 64] be DISMISSED AS MOOT.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 28 day of

Dec, 2007.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE